

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

KRAFT FOODS GLOBAL, INC., THE )  
KELLOGG COMPANY, GENERAL )  
MILLS, INC., and NESTLÉ USA, INC., )  
 )  
Plaintiffs, ) No. 1:11-cv-08808  
 )  
v. ) Judge Steven C. Seeger  
 )  
UNITED EGG PRODUCERS, INC., )  
UNITED STATES EGG MARKETERS, )  
INC., CAL-MAINE FOODS, INC., and )  
ROSE ACRE FARMS, INC. )  
 )  
Defendants. )  
 )

**PLAINTIFFS' MOTION TO FILE UNDER SEAL**

Plaintiffs respectfully move the Court for leave to file Plaintiffs' Motion to Exclude the Testimony of Dr. Jesse David and its supporting exhibits under seal, pursuant to Federal Rule of Civil Procedure 26(c) and Local Rule 26.2. In support, Plaintiffs state as follows:

1. Plaintiffs' Motion, filed today, makes extensive reference to and attaches Exhibit A, which the producing parties have designated as confidential or highly confidential.
2. A Court may keep documents or portions thereof under seal if "there is good cause for sealing a part or the whole of the record." *Citizens First Nat'l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999); *see also* Local Rule 26.2(b) (applying "good cause" standard). Accordingly, the Court may seal filings if there are "legitimate concerns of confidentiality," *Grove Fresh Dist., Inc. v. Everfresh Juice Co.*, 24 F.3d 893, 898 (7th Cir. 1994), such as where the information "meet[s] the definition of trade secrets or other categories of bona fide long-term confidentiality," *Baxter Intern., Inc. v. Abbott Labs.*, 297 F.3d 544, 545 (7th Cir. 2002).

3. Here, the producing parties have designated Exhibit A to the Motion as confidential or highly confidential. Under the Protective Order, Plaintiffs are required to file these materials under seal in any court filing. This presents a legitimate concern of confidentiality and gives good cause to file the Motion and its supporting exhibits under seal.

WHEREFORE, Plaintiffs respectfully request the Court enter an order granting it leave to file Plaintiffs' Motion and all supporting exhibits under seal.

October 6, 2023

Respectfully submitted,

***Counsel for Plaintiffs Kraft Foods Global, Inc.,  
General Mills, Inc., Nestlè USA, Inc. and The  
Kellogg Company***

/s/ Brandon D. Fox  
James T. Malysiak  
Joel T. Pelz  
Andrianna D. Kastanek  
Angela M. Allen  
JENNER & BLOCK LLP  
353 N. Clark Street  
Chicago, IL 60654  
Tel: (312) 222-9350  
Fax: (312) 527-0484  
jmalysiak@jenner.com  
jpelz@jenner.com  
akastanek@jenner.com  
aallen@jenner.com

Brandon D. Fox  
Amy M. Gallegos (*admitted pro hac vice*)  
JENNER & BLOCK LLP  
515 S. Flower St.,  
Suite 3300  
Los Angeles, CA 90071  
Tel: (213) 239-5100  
Fax: (213) 239-5199  
bfox@jenner.com  
agallegos@jenner.com